



Notes of a meeting of the Flooding Scrutiny Review Panel held via Microsoft Teams on Monday 28 September 2020.

PRESENT

Mrs. M. Wright CC (Chairman)

Mr. D. C. Bill MBE CC
Mr. D. Harrison CC

Mr. T. Parton CC
Mr. S. D. Sheahan CC

1. Notes

That the notes of the meeting held on 18 August were agreed as correct record.

2. Declarations of Interest

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

3. Flooding Presentation

The Panel received a detailed presentation from the Assistant Director of Environment and Transport on Flooding. A copy of the presentation is filed with these minutes marked 'Agenda Item 3'.

Arising from the presentation the following points were noted:

Flooding Events

- i. The Assistant Director set out the role of the Local Resilience Forum (LRF). A multi-agency partnership, made up from representatives of local public services, including the emergency services, local authorities, the NHS and the Environment Agency. The LRF's aim was to plan and prepare for localised incidents and emergencies, such as flooding. It worked to identify potential risks and produce emergency plans to either prevent or mitigate the impact of any incident on local communities. From an early stage following an incident recovery plans would start to be considered given the considerable time it could sometimes take for homes and businesses to be restored.
- ii. During a flooding event the County Council had a number of roles in contributing to the response, including care of vulnerable people, closure of

roads, provision of sandbags and emergency jetting of gullies. Following a flooding event, it was the Council's role as Lead Local Flood Authority (LLFA) to identify solutions with partners. However, flooding events were rarely straightforward and often it took continued collaboration over a number of weeks and months to identify issues and agree resolutions. The Council would like to do more work in this area, but resources were limited for all partners involved.

- iii. Where possible, officers in the Flood Risk Management Team would attend a public meeting in the community to help keep residents informed of what would be done and the next steps in the process. While this was not a statutory duty face to face meetings were considered productive for all parties involved which Members welcomed.
- iv. Members emphasised the importance of working with local communities to try and manage risk by providing information and advice. It was acknowledged that Members also had a role to play as Community Champions.
- v. Following discussions at the previous meeting on instability within the Flood Risk Management Team following the introduction of the 2015 Flood Risk Management Act, which put a higher demand on the skills set required by officers, Members were presented with details of the changes made to the Team between 2016 to 2020 in response to those increased demands. Some roles had yet to be filled with permanent staff and these were currently being undertaken by consultants and agency staff while the Council progressed recruitment. Recently the Team had stabilised which created a good basis on which to further build relationships with partners and strengthen collaboration.
- vi. There had been an increase in demand upon the Team with an increase in Section 19 flood investigation reports planning application requests and general enquires. It was suggested that further resources might be needed to address this.

Section 19 flood Investigations

- vii. The County Council as LLFA had a duty under Section 19 of the Flood and Water Management Act 2010 to investigate *significant* flood incidents in its area and to publish a report setting out the circumstances of a flood event and what parties have a role in managing the risks. These investigations were often time consuming and resource intense. A locally agreed threshold had therefore been agreed which meant investigations would not normally be carried out unless an incident involved a loss of life, serious injury, flooding (or almost) of critical infrastructure, or internal flooding of a single or multiple properties (not including garages, gardens or outbuildings) from unknown or multiple sources. Members acknowledged that the threshold was necessary as it would not be possible to investigate all flooding or potential flooding incidents.

- viii. Each investigation involved research, multiple site meetings, in-depth data analysis to identify which risk management authorities were responsible and what actions could be undertaken as a result. Such investigations were often complex generating multiple actions for varying agencies.
- ix. Members were concerned that whilst the Council was under a duty to investigate and publish a report with recommendations, the legislation did not give it any powers to require any parties to undertake the work identified as necessary and could not enforce action by other agencies in relation to its recommendations which delayed resolution for communities. Members raised concerns that no single body had oversight or control of the flooding and that this hindered the ability for real action to be taken. It was suggested the limits of the Council's powers as the LFA was likely misunderstood and that an explanation of how disjointed the current system was would be helpful to enable the public to better understand the difficulties the County Council faced in addressing flooding matters.
- x. A lack of enforcement powers meant collaborative working with partners was essential. This resulted in multiple network meetings to follow up actions with risk management authorities (RMA's) to ensure works were being progressed and prioritised. It was queried whether a memorandum of understanding between agencies was needed to ensure partners did not just work to minimum standards. It was clear to the Panel that there was sometimes difficulty with how the Council and partners worked together when each organisation had conflicting priorities and resources were often stretched. Members noted that its next meeting would focus more on partnership working.
- xi. Members noted that the Council did not have any powers to compel private land owners to take action. However, an agreement with partner agencies would be seen as a positive step forward.
- xii. There were 14 outstanding Section 19 investigations including a number from winter 2019/20. Each investigation took between 40 to 65 hours, costing between £2,000 to £3,000 dependent on whether it was a short or long form report. However, having looked to see if the Council could reduce the backlog with the use of consultants, members noted that the cost of production of the same report would increase to around £10,000 each, which was not feasible for the Department.
- xiii. Actions arising from a Section 19 investigation often involved recommendations to a variety of agencies such as the County Council as Highways Authority, Severn Trent, the Environment Agency and homeowners as riparian owners. Some actions for the County Council may require ongoing maintenance, other times the Council would look to further try and understand the flood risk in more detail and look at prioritising it by bidding for funding from the relevant funding streams to undertake prevention works.
- xiv. The completed investigations did not take into account all enquiries received and dealt with. Often initial enquiries would be received following which some

investigation work would be undertaken until, following research, it became apparent the incident did not reach the investigation threshold. This did not mean the Council would drop the issue, it just meant the Council often undertook additional work it was not required to do, stretching its resource even further.

- xv. Residents were invited to input into Section 19 investigations as they could provide far deeper insight into an issue which was invaluable. The Council looked to work closely with residents to ensure they remained aware of the status of an investigation report and its outcome, as the Council was aware some homeowners could be concerned about the impact it may have on insurance costs.
- xvi. A positive outcome from community working was seen in Appleby Magna where a community had worked together with agencies, councillors, the parish, district and the County Council. It was productive for councillors to act in their role as community champions to help encourage such engagement, which had resulted in the creation of flood wardens in the area and led to the purchase of telemetry equipment to provide a warning system for residents.

Highways Drainage

- xvii. The County Council, as Highway Authority were responsible for managing and maintaining drainage related to the functioning of the highway, including roadside drains and gullies (136,000 over 2,575 miles of road), shallow channels (grips), ponds, lagoons, catchpits, manholes, underground culverts and piped watercourses and soakaways. Such assets were maintained by the Highways Drainage Team.
- xviii. A new Gully Emptying Policy had been agreed which assigned a priority level to each gully (on a road by road basis). The Policy had been developed using a risk-based approach having looked at historical silt level data. Once the scheme had been ongoing for 20 months the assets would be reviewed to consider reprioritisation. The review would take into account enquiries received from members of the public. There had been 2287 reports in 2019. However, out of these only 1464 were responded to as many reports related to gully's that were 70-80% full but which were due for emptying as per scheduled maintenance, which was considered optimal. Other gully's especially after heavy rainfall, would appear full but this was y as a result of a full system, not a gully defect.
- xix. It was queried whether further resources were needed to get on top of the outstanding gully enquiries at the end of each month (usually 200-300) to ensure there were less issues when big rainfall events occurred. Officers confirmed that gully assets were fine 99% of the time and flooding often occurred as a result of factors which could not easily be prepared for in this way.
- xx. The Council had found that the new Policy was working well in resolving gully issues, but these often highlighted issues deeper within the drainage system

and related to assets which were not owned by the Council. This then hindered the Council's ability to deal with the matter and were often hindered by a lack of prioritisation by other organisations due to conflicting priorities. Members noted that this was similar to problems noted in respect of section 19 investigations.

- xxi. The complexity of asset ownership was set out to Members. While the Council owned assets within the highway curtilage, others would be the responsibility of other agencies, such as the Environment Agency a water authority or riparian owners. All assets linked together within a system, meaning it could be hard to identify where an issue stemmed from. The Council had to focus its resources and balance this work with other priorities within the Council and Department, as resolving all issues was impossible. The County Council had to see where best value could be provided and manage expectations.
- xxii. Other problems in the drainage system were the responsibility of land owners. However not all issues were easy for them to resolve such as silt run off from farms.
- xxiii. A major issue for the Council was the varied asset records it held. While it maintained detailed records of the 136,000 gullies as part of the new Policy, other assets such as drainage grips, underground culverts, offset kerbs, underground highway drainage pipes, manholes and catch pits, ponds and lagoons were poor. This was for several reasons, but mainly as a result of the inheritance of assets, which had previously moved between organisations multiple times, and where the transfer of data had been poor or lost overtime. While other data was held, there was no central record or maintenance information recorded. Members agreed that it was extremely important for the asset register to be completed and put onto a central system and maintained.
- xxiv. Often a lot of time was taken in discussions with other agencies to identify who owned an asset, as often issues were underground and not visible. It also could be difficult to determine the issue itself, as this could be caused by inappropriate connection and crossovers, knowledge of which may have been lost over time. This made it difficult to identify which agency was responsible for repairs. Members agreed this was concerning and meant members of the public faced multiple agencies each passing responsibility to another which also then rejected responsibility.

Planning

- xxv. The Town and County Planning Act 2015 assigned to the County Council as LLFA the role of statutory consultee on flood risk issues requiring it to provide a substantive response to the local planning authority (LPA) on major planning applications. Ultimately the County Council can only comment and make recommendations to LPAs (i.e. district councils), it was then their responsibility to respond to any recommendations by including conditions

against any permission granted. to ensure that Developers took them into account. The LLFA could not enforce planning conditions.

- xxvi. In reference to flooding that had occurred in Stoney Stanton following the construction of a new housing development, Members were informed that this had been approved prior to the start of the County Council's role as statutory consultee, so officers were unable to comment on that application before it was agreed by the local planning authority.
- xxvii. The Assistant Director for Environment and Transport informed Members that while there could be a perception that the principle of the development resulted in a flood, in reality flooding events were extremely complicated and could be a result of numerous factors, such as sheer volume of rain or a problem with how part of the development was connected. It was the County Council's role as LLFA to look at why flooding events occurred and see how issues could be mitigated as per its Section 19 responsibilities.

SUDS

- xxviii. Sustainable Urban Development Systems (SuDS) were designed to alleviate issues within drainage systems by storing or re-using surface water at source and by decreasing flow rates to watercourses. Water authorities (such as Severn Trent) were now directed to adopt most surface water sewers under the Government's Sewer Adoption Design Construction Guidance 2020, the outcome of which was yet to be seen.
- xxix. Officers clarified that surface water sewers carried uncontaminated rainwater directly to a local river, stream or soak away. Only rainwater run off connected to surface water sewers.
- xxx. Other SuDS features on new developments would often remain in the ownership of the developer and be maintained by management companies. The County Council as Highway Authority would, where appropriate, consider adoption of SuDS features as part of the public highway, if built to an adoptable standard.

RESOLVED:

The Panel thanked offers for such a comprehensive presentation and responses to queries raised. Arising from the discussion it was agreed: -

- a) That Severn Trent Water, the Local Resilience Forum and the Environment Agency be invited to the following meeting.
- b) That written representations be requested from district councils regarding their role within flooding incidents.
- c) That information be requested from residents who had experienced and been

involved in Section 19 flood investigations.

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